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SUPREME COURT
STATE OF WASHINGTON
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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,
RESPONDENT,

V.

SHAWN C. RAINEY,
PETITIONER.

SUPREME COURT NO: 81244-6

STATEMENT OF ADDITIONAL
AUTHORITIES.

PURSUANT TO RAP 10.8.

As permitted by RAP 10.8, petitioner, Shawn C. Rainey, submits the following additional authorities, which relate to the no-contact order that is placed between Mr. Rainey and his natural born child.

State V Ancira, 107 Wn. App. 650, 27 P.3d 1246 (2001).

Page 653, [2-5] "Parents have a fundamental liberty interest in the care, custody, and control of their children. Prevention of harm to children is compelling state interest, and the state does have an obligation to intervene and protect a child when a parent's 'actions or decisions seriously conflict with the physical or mental health of the child.' But limitations on fundamental rights are constitutional only if they are 'reasonably necessary to accomplish the

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essential needs of the state.' The fundamental right to parent can be restricted by a condition of a criminal sentence if the condition is reasonably necessary to prevent harm to the children. Therefore, we must determine wheather the record supports the proposition that prohibiting Ancira from all contact with his children is reasonably necessary to protect them".

Page 654-655 [6]"Nor does the record support the total prohibition of indirect contact with the children by telephone, mail, E-Mail,ect.... But completely prohibiting him from all contact with his children is extreme and unreasonable given the fundamental rights involved."

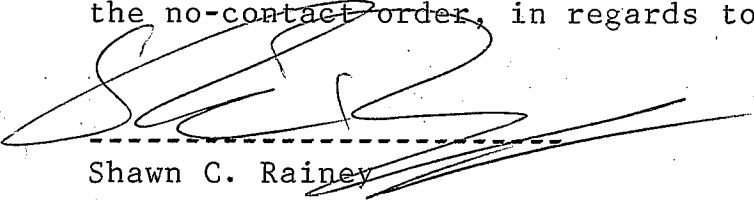
"On this record, some limitations on Ancira's contact with his children, such supervised visitation, might be appropriate, even as part of a sentence. Generally, however, the criminal sentencing court is not the proper forum to address these legitimate concerns other than on a transitory basis."

"In addition, when child visitation issues are addressed in the context of dissolution or dependency proceedings, there are statutory procedures in place that protect a parents right to procedural due process where the fundamental right to parent is at stake."

"While the trial court in this case was motivated by legitimate concerns for the welfare of Ancira's children, it erred in attempting to address them by prohibiting Ancira from all contact with his children as a condition of sentencing for the crime of violating a no-contact order prohibiting him from contacting his wife."

"The condition was not reasonably necessary to protect the children against the harm of witnessing domestic violence between their parents. This matter is best resolved by the family court in the dissolution proceeding."

The petitioner submits for use as regards to the no-contact order, in regards to his child.



Shawn C. Rainey

Pro. Se

Petitioner

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IN AND FOR THE STATE OF WASHINGTON

STATE OF WASHINGTON,)

RESPONDENT)

v.)

Shawn C. Rainey)

Petitioner.)

No: 81244-6

**DECLARATION OF SERVICE
BY MAILING**

I, Shawn C. Rainey, Petitioner, in the above entitled
cause, do hereby declare that I have served the following documents;
Statement of additional authorities. Pursuant to RAP 10.8

Upon:

Spokane County Prosecutor's Office

1100 West Mallon Avenue

Spokane, Wa. 99260

I deposited with the N-Unit Officer Station, by processing as *Legal Mail*, with first-class
postage affixed thereto, at the Airway Heights Correction Center, P.O. Box 1839,
Airway Heights, WA 99001- 1839.

On this 27th day of August, 20 08.

I certify under the penalty of perjury under the laws of the State of Washington that the
foregoing is true and correct.

Respectfully Submitted,

Petitioner

Shawn C. Rainey

DECLARATION OF SERVICE BY MAILING